

April, 1874, at 5 o'clock P. M. presented the same to the Governor for his approval.

JOSEPH E. DWYER, for Committee.

On motion of Senator Culberson, the Senate adjourned.

EIGHTY-SEVENTH DAY.

SENATE CHAMBER,
Austin, April 28, 1874.

Senate met pursuant to adjournment.

Roll called; quorum present.

Prayer by the chaplain.

The reading of the journal of yesterday was dispensed with.

Senator Ireland introduced a bill, entitled "An Act to regulate the manner of proceeding in the Supreme Court upon motions for rehearing." Read first time. Rules suspended, bill read second time.

On motion of Senator Ireland, the rules were further suspended, bill read third time and passed.

Senator Erath introduced a bill, entitled "An Act supplemental and amendatory of an act, entitled 'An Act to incorporate the Texas and Midland, Gulf and New Orleans Railway, and to aid in the construction of the same,' passed the present session of the Fourteenth Legislature." Read first time. Rules suspended, bill read second time.

On motion of Senator Erath, the rules were further suspended, bill read third time and passed.

Senator Westfall, for Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills, ask leave to report that they have carefully examined Senate Joint Resolution, No. 391, joint resolution to annex the parishes of Caddo and De Soto, State of Louisiana, to the State of Texas, and find the same correctly enrolled, and have this twenty-seventh day of April, 1874, at 9 o'clock A. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

The hour for the further consideration of the special order having arrived, to-wit: Senate Bill, No. 367, "An

Act to make appropriations for the support of the State government for the fiscal year beginning September 1, 1874, and ending August 31, 1875," it was taken up.

The Senate went into a Committee of the Whole, Senator Hobby in the chair.

IN SENATE.

The Committee rose, reported various amendments, and asked that they be adopted *seriatim*.

The amendments made to the Executive Department, were adopted; said amendments being as follows:

In line four, strike out "\$1000," and insert "\$1200."

In line five, strike out "\$2000," and insert "\$5000."

After line ten, insert the following: "For traveling expenses incident on sale of bonds, \$300."

The amendments made to the State Department were adopted, which were as follows:

In line four, strike out "\$1000" and insert "\$1200."

In line seven, after the word "wood," insert the words "and lights \$200."

In eighth line, strike out "\$3000," and insert "\$5000."

In line ten, add after the word "fender," "and porter, \$200." By the following vote:

YEAS—Senators Ball, Bradley, Burton, Camp, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Randle, Russell, Shepard, Stirman, Trolinger and Westfall—23.

NAYS—Senators Allison, Bradshaw, Culberson, Swift and Wood—5.

The appropriation for the Attorney General's Department was read.

Senator Ball moved to amend the third line of the same, by striking out the word "of," and "\$2500," and insert in lieu of "\$2500," the words "\$3000."

Senator Wood offered the following amendment as a substitute for the amendment of Senator Ball:

Strike out the third line and insert in lieu thereof as follows: "One Assistant Attorney General \$2500." Lost by the following vote:

YEAS—Senators Allison, Bradshaw, Erath, Hobby, Ireland, Morris, Moore, Stirman, Swift, Trolinger, Westfall and Wood—12.

NAYS—Senators Ball, Bradley, Camp, Culberson, Davenport, Dwyer, Ellis, Friend, Joseph, Ledbetter, Parker, Randle, Russell and Shepard—14.

The amendment offered by Senator Ball was then adopted.

The following amendment was also adopted: "Strike out the sixth line, and insert in lieu thereof the words, 'wood and lights, \$100.'"

The following amendments to the Judiciary Department were adopted:

Strike out line six, and insert the following words, "fuel, at Austin, Tyler and Galveston, \$300."

In line seven, strike out "\$100," and insert "\$200."

Strike out line "fifteen."

Senator Erath offered the following amendment:

After line ten, in Judiciary Department, insert the following:

"Salary of Criminal Judge at Marlin and Waco, \$2500."

"Salary of Criminal Judge at Dallas, McKinney and Sherman, \$3500."

Senator Wood moved the previous question. Previous question seconded.

The question being, "shall the main question be now put?" the Senate refused to order the main question, by the following vote:

YEAS—Senators Bradley, Camp, Davenport, Morris, Moore, Parker, Stirman and Wood—8.

NAYS—Senators Allison, Ball, Bradshaw, Culberson, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Russell, Shepard, Trolinger and Westfall—17.

Senator Joseph, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills, beg leave to report that they have carefully examined and compared Senate Bill, No. 401, "An Act to repeal an act entitled 'An Act to enable the Comptroller of Public Accounts to settle with defaulting Revenue officers,' approved November 6, 1871," and find the same correctly engrossed.

JOSEPH, for Committee.

Senator Trolinger, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills, beg leave to report that they have carefully examined and compared Senate

Bill, No. 430, "An Act supplemental and amendatory of an act entitled 'An Act to incorporate the Texas and Midland, Gulf and New Orleans Railroad, and to aid in the construction of the same,' passed at the present session of the Legislature," and find the same correctly engrossed.

W. H. TROLINGER, for Committee.

A message was received from the House, announcing the passage of Senate Joint Resolution, No. 340, "relative to the cession of a certain portion of territory from the State of Arkansas, to the State of Texas;" also, the passage of House Bill, No. 525, "An Act to prohibit the sale of intoxicating or spiritous liquors within two miles of certain places."

Senator Dwyer, for Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills, ask leave to report that they have carefully examined Senate Bill, No. 136, "An Act to extend the time for the construction of works of internal improvement," and Senate Bill, No. 408, "An Act to amend section thirty-nine of an act entitled 'An Act to encourage stock raising and for the protection of stock raisers,' approved March 23, 1874," and find the same correctly enrolled, and have this twenty-eighth day of April, at 12:30 o'clock A. M., presented the same to the Governor for his approval.

JOSEPH E. DWYER, for Committee.

On motion of Senator Ireland, the Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment. Roll called; quorum present.

(Senator Friend in the chair.)

By leave, Senator Joseph introduced a bill entitled "An Act to amend an act approved April 22, 1874, entitled an act to repeal an act entitled 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement,'" approved April 12, 1871. Read first time; rules suspended and bill read second time.

Senator Russell offered the following amendment:

"Provided further, that the aforesaid act shall continue in force in the counties now comprising the Thirtieth Senatorial District." Adopted.

The bill as amended was then ordered engrossed.

(The President in the chair.)

Rules suspended, bill read third time and passed.

Senator Shepard gave notice that he would move a reconsideration of the vote by which the Senate voted for the printing of five thousand copies of the Senate joint resolution proposing amendments to the Constitution of the State of Texas.

Senator Parker moved that the standing rule in regard to the disposition of business during evening sessions be suspended, in order to continue the consideration of Senate bill No. 367, "An Act to make appropriations for the support of the State government for the fiscal year beginning September 1, 1874, and ending August 31, 1875."

Senator Dillard moved a call of the Senate. Call sustained.

Absent—Senators Ball, Bradshaw, Bradley, Ledbetter and Wood.

Pending the call, Senator Joseph submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 288, "An Act to legalize the unconditional certificate of three hundred and twenty acres of land issued to Josiah Powers;" also, Senate bill No. 412, "An Act to incorporate the Caddo, Paris and Jefferson Branch of the Missouri, Kansas and Texas Railroad Company," and find them correctly engrossed. JOSEPH, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate joint resolution No. 406, "Joint Resolution proposing amendments to the Constitution of the State of Texas," and find the same correctly engrossed.

JOSEPH, for Committee.

Pending the call, Senator Westfall submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate bill No. 78, "An

Act to define the land districts of Palo Pinto, Jack, Clay, Young and Eastland, and to make valid the surveys and locations made therein," and find the same correctly enrolled, and have this twenty-eighth day of April, 1874, at 1 o'clock P. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

By leave, Senator Ireland called up House bill No. 395, "An Act to define the Twenty-second Judicial District, and to fix the times for holding the courts therein," pending House amendments thereto.

On motion of Senator Ireland, the House amendments were concurred in.

On motion of Senator Westfall, Senator Camp was granted an indefinite leave of absence.

By leave, Senator Dwyer introduced a bill entitled "An Act to incorporate the San Antonio City Street Railway Company." Read first time; rules suspended, bill read second time and ordered engrossed; rules further suspended, bill read third time and passed by the following vote:

YEAS—Senators Allison, Ball, Bradshaw, Burton, Camp, Culberson, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Morris, Moore, Parker, Randle, Russell, Shepard, Stirman, Trolinger and Westfall—24.

NAYS—None.

The motion of Senator Parker to suspend the rules to take up Senate bill No. 376, "An Act to make appropriations for the support of the State government for the fiscal year beginning September 1, 1874, and ending August 31, 1875," was lost.

Senator Randle, having been absent heretofore when his district was called, called up House bill No. 435, "An Act to amend 'an act to provide for districting the State of Texas into judicial districts,'" approved July 8, 1870. Bill read second time and passed to third reading; rules suspended, bill read third time and passed.

The First Judicial District was called, and Senator Hobby called up Senate bill No. 216, "An Act to validate the acts of R. W. Davis, as notary public of McLennan county," and also the substitute therefor, entitled "An Act to validate the acts of certain notaries public." Substitute read first time and adopted; rules suspended, sub-

stitute read second time and ordered engrossed; rules further suspended, bill read third time and passed.

On motion of Senator Westfall, Senator Swift, of the Second District, was excused for the day.

The Third District was called, and Senator Dillard called up House bill No. 509, "An Act to provide for the locating of county seats in such counties of the State as are without county seats." Read first time, rules suspended, bill read second time; rules suspended, bill read third time and passed.

The Fourth District was called, and Senator Stirman called up Senate bill No. 209, "An Act to amend the sixth section of 'an act regulating the estraying of stock.'" Bill read second time.

Senator Stirman offered the following amendment:

"Immediately after the words 'work oxen' insert the words 'or stock cattle.'"

Adopted.

Senator Shepard offered the following amendment:

"Strike out the word 'Monday,' in the last section, and insert the word 'Tuesday.'" Adopted.

The bill as amended was then ordered engrossed; rules suspended, bill read third time and passed.

The Senator from the Fifth District (Senator Flanagan not being present, the Sixth District was called, and Senator Culberson called up Senate bill No. 367, "An Act to make appropriations for the support of the State government for the fiscal year beginning September 1, 1874, and ending August 31, 1875." Bill taken up pending the amendment of Senator Erath, to judiciary department.

Senator Shepard moved a division of the amendment. Carried.

The vote was then taken on the first portion of the amendment, which was as follows:

Salary of Criminal Judge at Marlin and Waco, \$2500.

Carried by the following vote:

YEAS—Senators Allison, Ball, Bradshaw, Burton, Camp, Culberson, Davenport, Erath, Joseph, Ledbetter, Morris, Russell, Stirman, Trolinger, Westfall and Wood—15.

NAYS—Senators Dillard, Ellis, Friend, Hobby, Moore, Parker and Shepard—7.

The vote was then taken on the second portion of the amendment, which was as follows:

"Salary of Criminal Judge at Dallas, McKinney and Sherman, \$3500." Adopted by the following vote:

YEAS—Senators Allison, Ball, Bradshaw, Burton, Culberson, Dillard, Erath, Ireland, Joseph, Morris, Russell, Stirman, Trolinger and Westfall—15.

NAYS—Senators Davenport, Ellis, Friend, Hobby, Moore, Parker, Shepard and Wood—8.

Senator Joseph presented the following minority report of the Committee of the Whole on the bill under consideration :

SENATE CHAMBER,
Austin, April 22, 1874.

Hon. R. B. Hubbard, President of the Senate :

SIR:—The undersigned Senators composing a minority of the Committee of the Whole, beg leave to report that they differ widely from the majority of said Committee, in their report upon that portion of the bill making appropriations for the support of the Bureau of Immigration, and present the following reasons therefor, in brief:

The Bureau of Immigration is a separate department of the State Government, provided for in the Constitution, and we believe that, upon the carrying out of the objects of the Constitution in a liberal manner, depend, in a great degree, the prosperity of our State, and the rapid development of her resources.

The question of immigration has attracted the attention and enlisted the interest of thinking people of all portions of this State.

Of such general importance has the subject become, that the Democratic State Convention of 1873, after due deliberation, in its platform approved, advocated and recommended a *liberal* and comprehensive system of immigration, and that section of the platform met with the most cordial endorsement of the press and people of Texas.

The Governor has devoted a large portion of his annual message to advice and recommendations in reference to immigration, and has truly said that "population is the one thing needful in Texas."

The small sum provided for in the report of the Committee is, in our opinion, entirely inadequate to carry this department into such successful and beneficial operation as is demanded by the wants of State, and will be virtually thrown away, unless increased in the liberal spirit contemplated by the representatives of the great Democratic party in convention assembled.

We respectfully ask that the accompanying substitute be adopted in lieu of the section of the bill reported by the majority of the committee.

SETH SHEPARD, Sixteenth District.

J. ELLIS, Twenty-fifth District.

JOSEPH E. DWYER, Twenty-ninth District.

THOS. M. JOSEPH, Twelfth District.

H. J. BALL, Twenty-third District.

WM. H. RUSSELL, Thirtieth District.

JNO. IRELAND, Twenty-seventh District.

G. B. ERATH, Nineteenth District.

W. N. FRIEND, Twenty-fourth District.

I fully concur with the above named democratic Senators.

H. LEDBETTER, Twenty-sixth District.

BUREAU OF IMMIGRATION.

1.	Salary of Superintendent.....	\$2000
2.	Traveling expenses	500
3.	Postage	1000
4.	Stationery	250
5.	Telegraphing	100
6.	Salary of Agent at Galveston.....	1500
7.	Office rent	500
8.	Wood, lights, etc.	150
9.	Printing and distribution of circulars, pamphlets, etc., in English, German and Bohemian.....	5000
10.	Salary of Agent in States West of Mississippi River	1500
11.	Traveling expenses of Agent.....	500
12.	Salary of Agent in Southern States	1500
13.	Traveling expenses of Agent.....	500
14.	Salary of General European Agent.....	2000
15.	Salary of Agent for German Empire and Austria	2000
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		\$19,000

Adopted.

A message was received from the House, announcing the passage of the following Senate bills :

Senate bill No. 430, "An Act supplemental and amendatory of an act, entitled 'an act to incorporate the Texas and Midland, Gulf and New Orleans Railway, and to aid in the construction of the same,'" passed at the present session of the Legislature.

Senate bill No. 401, "An Act to repeal an act, entitled

“an act to enable the Comptroller of Public Accounts to settle with defaulting revenue officers,” approved November 6, 1871.

Senate bill No. 162, “An Act to authorize the several counties of this State to raise means to pay their present indebtedness,” with amendments by the House.

Senate bill No. 277, “An Act amendatory of and supplemental to ‘an act to regulate the assessment and collection of taxes,’ ” approved May 31, 1873, with an amendment by the House.

Also, that the House concurs in Senate amendments to House bill No. 186, “An Act for relief of certain citizens of Limestone and Walker counties.”

Also, Senate joint resolution No. 417, “granting leave of absence to the Hon. E. Dougherty, Judge of the Fifteenth Judicial District.”

Also, Senate joint resolution No. 427, “Granting leave of absence to the Hon. D. D. Claiborne, Judge of the Seventeenth Judicial District.”

The amendments of the Committee of the Whole to the Land Office Department were adopted.

The amendments by the Committee of the Whole, to the Treasurer’s Department, were adopted.

The amendments of the Committee of the Whole, to the Educational Department, were adopted.

The amendments of the Committee of the Whole, to the Comptroller’s Department, were adopted.

Senator Allison moved to strike out the provisions in the Comptroller’s Department, allowing two thousand dollars for extension of buildings. Lost.

Senator Ball offered the following amendment as an additional section :

“For frontier protection, four hundred thousand dollars.” Adopted.

The amendment of the Committee of the Whole, to the Adjutant General’s Department, was adopted.

Senator Friend offered the following amendment :

“Amend line two of Adjutant General’s Department, by inserting ‘\$1200’ in place of ‘\$2400,’ and strike out all after the second line.” Lost by the following vote :

YEAS—Senators Allison, Bradshaw, Burton, Culbertson, Davenport, Friend, Hobby, Moore, Parker and Wood—10.

NAYS—Senators Ball, Dillard, Dwyer, Ellis, Erath,

Ledbetter, Morris, Russell, Shepard, Stirman, Trolinger and Westfall—12.

Senator Westfall offered the following amendment :

"Add for rent of storehouse, \$750." Lost by the following vote :

YEAS—Senators Ball, Dillard, Dwyer, Ellis, Erath, Joseph, Ledbetter, Russell, Shepard, Stirman and Westfall—11.

NAYS—Senators Allison, Bradshaw, Burton, Culberson, Davenport, Friend, Hobby, Morris, Moore, Parker, Trolinger and Wood—12.

The substitute of the minority of the Committee of the Whole was adopted by the following vote :

YEAS—Senators Ball, Dwyer, Ellis, Erath, Friend, Hobby, Joseph, Ledbetter, Russell, Shepard and Westfall—11.

NAYS—Senators Allison, Bradshaw, Burton, Culberson, Davenport, Dillard, Morris, Moore, Parker, Trolinger and Wood—11.

The votes being evenly divided, the President voted in the affirmative, thereby adopting the substitute.

Senator Hobby offered the following amendment :

"Strike out salary for agent of German Empire ; also, General European Agent."

Senator Dillard moved a call of the Senate. Call sustained.

Absent—Senators Bradley and Ireland.

By leave, Senator Burton called up Senate bill No. 428, "An Act to amend section forty-four of 'an act to encourage stock raising and for the protection of stock raisers,'" approved March 23, 1873. Bill read second time and ordered engrossed ; rules suspended, bill read third time and passed.

By leave, Senator Wood called up Senate bill No. 277, "An Act amendatory of and supplemental to 'an act to regulate the assessment and collection of taxes,'" approved May 31, 1873, with House amendments.

On motion of Senator Wood, the House amendments were concurred in.

By leave, Senator Wood called up Senate bill No. 162, "An Act to authorize the several counties of this State to raise means to pay their present indebtedness," with House amendments.

On motion of Senator Wood, the House amendments were concurred in.

Senator Trolinger, for Committee on Engrossed Bills, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 431, "An Act to amend an act approved April 22, 1874, entitled an act to repeal an act entitled 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement,'" and find the same correctly engrossed.

W. H. TROLINGER, for Committee.

By leave, Senator Shepard called up Senate bill No. 418, "An Act for the relief of certain persons in this State from all penalties, forfeitures and costs incurred by reason of failure to pay certain taxes heretofore levied for the support of public schools."

Senator Ledbetter offered the following amendment :

"*Provided*, interest is paid on all taxes due from the time such taxes fall due, until paid."

Senator Moore offered the following as a substitute for the amendment offered by Senator Ledbetter :

"Add to section one the words 'and that the State of Texas shall pay interest to all persons who have paid said taxes at the rate of ten per cent. per annum on the amount paid by such persons, the amounts to be certified to the Comptroller by the tax collector of each county.'" Lost.

The amendment offered by Senator Ledbetter was then lost.

Senator Allison offered the following amendment :

"*Provided*, the attorneys advising resistance to the collection of the taxes be held liable and bound to those so injured to the full amount those parties may have sustained, and that the same be collected as other damages under the law." Lost.

Senator Parker offered the following amendment :

"*Provided*, that such tax-payers shall not be released from any existing obligation to pay all cost which may have accrued in consequence of such neglect to pay such tax up to the date of this date."

On motion of Senator Shepard, the amendment was laid on the table.

Senator Ball moved that the Senate adjourn. Lost.

The question then recurring on the engrossment of the bill, it was ordered engrossed by the following vote:

YEAS—Senators Ball, Bradshaw, Bradley, Burton, Culberson, Davenport, Dwyer, Ellis, Erath, Friend, Joseph, Russell and Shepard—13.

NAYS—Senators Allison, Dillard, Hobby, Ledbetter, Morris, Moore, Parker, Stirman, Trolinger and Wood—10.

Senator Shepard moved to suspend the rules to put the bill on its third reading. Lost.

Senator Joseph moved to adjourn. Lost.

Senator Parker moved to suspend the call. Lost.

A message was received from the House announcing the passage of Senate bill No. 288, "An Act to legalize the unconditional certificate of three hundred and twenty acres of land issued to Josiah Powers."

Senator Dwyer, for Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have the honor to report that they have carefully examined Senate bill No. 416, "An Act to authorize the Judge of the Twenty-fifth Judicial District to hold a special term of the court in the county of El Paso," and find it correctly enrolled, and have this twenty-eighth day of April, A. D. 1874, at 5:30 p. m., presented the same to the Governor for his approval.

Jos. E. DWYER, for Committee.

Senator Trolinger, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have examined and compared substitute for Senate bill No. 216, "An Act to validate the acts of certain notaries public," and find the same correctly engrossed.

W. H. TROLINGER, for Committee.

On motion of Senator Ball, the Senate adjourned.